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ABSTRACT

The place of the family and the relationship between gender and social order in England between 1560 and 1725 are examined. The fear of disorder so prevalent in England in the late 16th and early 17th centuries was caused by the doubling of the population and extremely poor economic conditions. In the attempt to enforce order, the analogy between the family and the state (i.e., the family provides a model for all social and political relations) became prevalent. Discussed within this context are the patriarchal political theory, how the family was described by early modern English household manuals, and how the restoration changed the way the judicial systems maintained social order. After the Restoration, population growth stabilized, real wages began to rise, and the poor, while still present, seemed less threatening. In such a situation, strict enforcement of gender and familial relations became less necessary; their symbolic role in affirming social and political order was no longer crucial. It was in this context that John Locke and others came to see and define the family as a private and natural institution instead of a public, social institution. (RM)

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Gender and the Social Order in Early Modern England

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Feminists have long struggled against the popular but false definition of the family as both a private and a natural institution. The role of this definition in sustaining not only current relations between women and men but also the place of women in the industrial capitalist economy is obvious. But for the historian it raises other questions: when did this definition arise? and why? These questions are more complex. To the former, a brief answer is that the first theoretical statement to expressly envision the family as private was made by John Locke at the end of the seventeenth century. To earlier thinkers it had been self-evident that the family was a public, social institution, the cornerstone of political and social order. This paper will examine the place of the family--and more generally relations of gender--in the social order of England in the period between 1560 and 1725 to explain the context of Locke's theory and to suggest its social basis.

Recent research in the social history of early modern England has reminded us of the extent to which its governors--local and national--both worried about and prosecuted signs of disorder in society. Concern about vagrants and beggars, alehouses and their customers, bastards and their parents is not surprising in a period marked by a population explosion, rapid inflation, and extensive geographical and social mobility. Other aspects of the fear of disorder are less easily comprehended, however; why, for instance, the concern with scolding women, women who beat their husbands (attacked by a special ritual, the "skimmington ride") and other inversions of the traditional gender order? The phenomenon of "women on top" could have festive as well as political overtones, but in England the fear of the "woman on top" is more striking.[1] The volume of the literature devoted to the subject suggests that such concern was more than trivial. Only if the family is seen as a public, social institution can we understand these attacks on gender behavior, and can we connect the conflicts

about the position of women in society to other forms of social conflict in the period. The social order of early modern England consisted of two parallel hierarchies, which were assumed to be complementary, those of class and of gender.

The first step in understanding the relationship between gender and class in the social order is an examination of the assumptions underlying the political theory of the period; the significance of these assumptions can then be seen in their diffusion in both household manuals and sermons and catechisms, as well as in their role in social control. The cornerstone of the connection is an assumption that few writing in the sixteenth or seventeenth centuries would have questioned: that the family was the basic unit of society, and thus provided the basis for social order and an effective analogy for relations within the state. The family provided a model for all other social and political relations. In this way the analogy between the family and the state worked to define all hierarchical relations of society--within the household, the village, the county, and the nation. Such analogical thinking was not merely a metaphor. It gave all social relations a basis in the familiar and the "natural".

The analogy between the family and the state, while commonplace, was also problematic. It means that a distinction between the family and the rest of society is artificial; although patriarchal political theory and household manuals are in certain ways antithetical to each other, they must be read together to understand their implications. Locke, writing at the end of the seventeenth century, was the first theorist to explicitly define the family as private, yet his redefinition followed a transformation of social practice. These interlocking levels of analysis provide the basis for understanding not only the place of gender in the social order, but also the social background to the emergence of the ideology of the family as a private institution.

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Patriarchal political theory sought the origin of kingly power in the natural relation of the father to his children, while household manuals were concerned with the variety of roles that family members took in relation to each other. Political theory was concerned with immutable, natural relations, household manuals with social--and therefore mutable--family relations. Beyond their initial assumptions they had little in common.

Patriarchal political theory asserted that the origins of political society determined its nature and that of political obligation within society. It also argued that political authority originally belonged to fathers, and was therefore natural.[2] The obligation to obey could thus be supported by appeals to the fifth commandment, to "Honor thy father and thy mother." The assumption of the parallel between the state and the family formed the basis of most discussions of political and social order, even those not articulating the patriarchal theory of political obligation. These discussions also assumed a hierarchical society.

When the proper relation of subjects to the King became a political issue in the 1640s, royalist contract theorists introduced the analogy between the relationship of King and people to that between husband and wife: once the contract had been entered into, it was indissoluble. The paternal/spousal analogy between the family and state thus supported an authoritarian-absolutist theory of monarchy.[3]

Those who wished to justify political resistance were forced by the analogy between the family and the state to consider the nature of authority within the family. Such discussions were shaped by assumptions about relations between women and men. They were hampered by assumptions of both male dominance and of the indissolubility of marriage. At the end of the seventeenth century John Locke resolved the difficulty in two ways: first, he denied the analogy, and second, he defined the marriage contract as negotiable and terminable.

These distinctions were of enormous political and theoretical significance, but while the first reflected changes in social practice which had already occurred, the second was generally ignored.[4]

Household manuals all discussed the political and social significance of order within families. In 1618 William Gouge assumed that "inferiours that cannot be subject in a family...will hardly be brought to yield such subjection as they ought in Church or Commonwealth."[5] These are assumptions, not arguments; as political theory assumed the family, household manuals assumed political obligation.

The family described by early modern English household manuals was controlled by its male head, whose roles as husband, father, and master were distinct. The relations of parents to children and masters/mistresses to servants were simple. The superior was responsible for educational and moral direction to the inferior, in return for honor and obedience. The master was expected to maintain order in his household and thus contribute to the order of the community. The relationship between husbands and wives, however, posed recurring problems for commentators on family relations. Theoretically, the husband was the head of the wife, and she should obey him in all things. In return he provided wise government and the necessities of life. Yet a wife shared in the government of the household, and the day to day education and supervision of both children and servants often fell to her. Simple subordination of wives to husbands was thus an inadequate prescription: in the words of Dorothy Leigh, "If she be thy wife, she is always too good to be thy servant, and worthy to be thy fellow".[6]

The central dilemma for writers of household manuals was the extent of a husband's authority over his wife.[7] All the household manuals show the tension between the equality of partnership and the subordination of wives to their husband's authority--a dilemma which was never resolved. This dilemma was not

even acknowledged in the political writings which took the family as their model of the state. The problems caused by this tension can be seen in the writings of William Gouge, the puritan rector of Blackfriars, London, whose treatise Of Domesticall Duties was one of the most important household manuals. The book was dedicated to his parishioners, who had listened to the original sermons. In the dedication Gouge acknowledged that when he had preached, there had been many complaints about restrictions on a wife's ability to dispose of family property without her husband's consent. Gouge was addressing an audience which assumed economic activity--often independent--on the part of wives. Gouge repeated his exceptions, but remained defensive about his treatment of women.

> That which maketh a wives yoke heavy and hard is an husbands abuse of his authority: and more pressing his wives duty, than performing his own ...I so set down an husbands duties as if he be wise and conscionable in observing them, his wife can have no just cause to complain of her subjection.[8]

Later Gouge sought to argue that the subjection of the wife to the husband "is no servitude," even though the husband "is as a king in his own house." His awareness that the position he described was unattractive to women led him to argue that their subordination to their husbands was a "benefit" to them--an argument which assumed their inferiority. To the extent that Gouge was ever able to resolve the dilemma, he set up a model which resembled limited monarchy: women should be consulted, but they should realize that their husbands know best.[9]

It was not only the problematic position of the wife in household manuals which undermined the absolutist implications of most patriarchal political theories. If the household were, as in Gouge's famous phrase, "a little common-wealth" the connections between households were foreign relations: the godly ~~commonwealth~~ household might withdraw into itself rather than associate with its ungodly neighbors.[10] As the position of the wife undermined clear definitions

of authority, the little commonwealth of the family undermined connectedness within the state. These problems explain why, in spite of their common assumptions, the genre of the household manual and that of the political treatise remained distinct. The analogy between the family and the state was an analogy, not an equation, but it ensured that events within the family were never without social significance.

For all the problems with the analogy between the family and the state, it was widely diffused and almost universally accepted. In homilies and catechisms,[5] it was a staple of the rhetorical diet of preachers, teachers, and even kings. Obedience to those in authority--whether in the family, village, county or nation--was a moral duty. The metaphor was a commonplace, and it provided a system of mutual duties and responsibilities that should have assured that early modern England was a deferential, orderly society. There was no room for the drunk, the thieving or the riotous, the unchaste wife of the insolent servant. Yet historians are increasingly aware of the challenges to order, and the extent of disorder, in the century leading up to 1640. If the family and state were integrated in theory, how were they integrated in practice? What does it mean for social relations and particularly for social control that the family was the basis for understanding social order? If we wish to break down the illusion of the family as a private institution, we must now look at what is meant for women and men to have the family acknowledged as a public institution.

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The maintenance of order in early modern England was affected by the extensive use of several judicial systems. The justices of the peace, either on their own or sitting together in quarter sessions, judged minor crimes, mediated local disputes, and disciplined the unruly; they decreed the penalties for those who bore and fathered bastards, suppressed unlicensed or disorderly alehouses, decided on the proper place of settlement for the poor, or merely frightened

the disruptive members of society. The ecclesiastical courts, with their quarterly visitations of the deaneries, disciplined those who failed to attend church, who were suspected of fornication or adultery, who quarreled with their neighbors, or who drank and played cards on Sundays. Both courts could and did deal with offenses which were connected to the maintenance of either the class or gender orders, as well as others--such as drinking and gaming--which were based on a conception of the proper moral order. The most common "class" offenses were begging and vagrancy, insults to those of higher status, and conflicts over seating in church; the most common gender offenses were those relating to adultery and bastardy, scolding, and the familial disorder present in domestic violence, desertion, and divorce. The ecclesiastical courts, in addition to the power of disciplining offenders (usually by public penance) also had jurisdiction over certain kinds of conflicts--those relating to marriage and sexuality, complaints of defamation of character (because insults were "a breach of Christian charity") and where people sat in church.

The range of jurisdiction of both the quarter sessions and the ecclesiastical courts was quite wide, but it was not uniformly employed. Studies of local government throughout England have found that the courts were most active in the fifty or sixty years preceeding the English Revolution in 1640; this pattern holds true for Norfolk, the county from which my evidence is taken. During the course of the Civil War and Interregnum, the church courts were suppressed, and their business taken over by the quarter sessions. After the Restoration of the monarchy and the ecclesiastical courts in 1660 the church courts never fully regained their earlier role in controlling disorder and resolving disputes. But neither did the business of the quarter sessions grow to take over the areas of jurisdiction which were disappearing from the Church courts; far fewer offenses were prosecuted in the quarter sessions as well.[11] The range of offenses narrows; for instance, villages had often resorted to presenting petitions to the quarter sessions against their disorderly neighbors--petitions which catalog

in minute detail the ways in which a particular villager has offended his neighbors. The complaints are not always of criminal or illegal activity, but of behavior which is disruptive of the community. The last such petition is presented to the Norfolk quarter sessions in 1669. The quarterly visitations of the deaneries focus increasingly on conflicts about tithes, church fabric, and non-conformity: the fornicators, scolds, and bastard bearers almost completely disappear. The definition of what constituted an offense, and the ways of dealing with that behavior, was clearly changing. To understand the significance of this change, we must examine the social background to the prosecution of offenses in the earlier period. What made behavior disruptive? What disruptions existed in society? and how could those disruptions be stopped?

While men and women were both expected to be chaste outside of marriage, men had authority and power while women were expected to be patient and docile. Women who scolded their husbands or their neighbors--and those who went the additional step of cursing and bewitching them--were therefore stepping out of their role; in certain circumstances, they would have to be corrected. But the most obvious offense of women was that represented by those who bore illegitimate children. The mothers were, of course, more obvious than the fathers, and therefore more attention was paid to them. The punishment of the fathers usually focused on the fear of the financial responsibility a poor bastard might bring to the village; the punishment of the mother focused both on that and her disruption of the order of the village. The family created by an unwed mother was an anomaly in a society which expected families to be headed by men: it had no head to ensure property or legitimacy. Bastardy and its effects were merely the clearest warning of the disruptive effects of unbridled sexuality: it was not just the unmarried girls whose activities were monitored, but those of all members of the community. Pre-marital sexuality could lead to either bastards or inappropriate marriages, while adultery disrupted the life of families.

Sexual offenses were one constant reminder that the real order of society was different from the ideal. There was another such reminder. Women failed to emphasize obedience to husbands either in their own reputations or in their evaluations of each other.

When women defended their reputations through defamation suits in the ecclesiastical courts, they were concerned with their reputation for chastity, not for submissiveness, obedience, or being a good housewife. Mistreatment of husbands in insults was always in the context of adultery.[12] The insults complained of by men covered a far wider range of behavior. Men worried about insults to their social position, their honesty or sobriety as well as about their sexual behavior.[13] Not only did women focus primarily on sexual behavior in defamation suits, they also refused to condemn each other for breaches of obedience when these became issues in litigation. They used vague language to describe relations between husbands and wives, language which suggests that conjugal relations were the subject of negotiation.[14]

Women appear to have developed a concensus about their obligations to their husbands, which reflected the nature and extent of their role in the family economy. In the kitchen, dairy, and brew-house they supervised production; they sold their own cheese, ale, and eggs in the market, while they purchased other necessaries for their families. If a theoretician like Gouge failed to resolve the conflict between a wife's subordination and her cooperation with her husband, this pattern is not surprising. Emphasis on wifely obedience first appears in the testimony of other women after 1700 in urban upper bourgeois families where their economic role seems to have diminished earliest, and the conflict between equality and submission was thus a less present concern.[15] The refusal of women to focus on the non-sexual aspects of their relations with men provided a covert critique of relations within the family.

Relations between husbands and wives, and the social relations of the sexes in general, created a disjunction between reality and theory, but they never included direct challenges to the gender order.[16] The general acceptance of the gender order stands in marked contrast to the attitudes toward the class order.

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Petitions to the justices of the peace often make explicit connections between gender and class. Most petitions include more than one offense. Thus, Matthew Loose, who was "at continual strife with his wife", was also "disobedient to all authority;" Robert Johnson of Northwold, who "heinously railed upon his wife" in 1631, was also a common drunkard who had assaulted the constable and attacked the parson in the churchyard.[17] The behavior of villagers inside and outside the family disturbed relations between husband and wife, master and servant, rich and poor, or neighbor and neighbor. Richard Sheepheard, "a desperate tinker", often came home drunk and beat his wife and her children. He refused to pay the rent of the town poor house in which he lived, and abused the churchwardens and the other inhabitants. Sheepheard refused to give the deference and respect which were expected to hold the socially stratified communities of early modern England together.[18]

Deference was also refused by insults which called the reputations of local notables and social superiors in question. These often included claims of equality. Parsons were especially likely to be the targets of insults and claims of equality. The position of the parson depended only on his office, and was therefore increasingly anomalous in English society, where position was usually based on wealth. The word usually used to describe character was "credit": it implied honesty, but also financial solvency. "Credit" allowed an equation of wealth with worth. The confusion is telling. It is equally significant, though, that the equation was not accepted by the poor.

The nature of the social hierarchy and its weaknesses can also be seen through

disputes over church seats. Seating in churches was expected to reflect the social hierarchy of the community. Disputes arose over the extent to which it did so, as well as over the right to control seats. Many such conflicts focused on the criteria for status, and reflect the clash of different systems of ranking--from the more traditional one of status to a more "modern" one based on wealth and, eventually, class. Other disputes reflected the anxiety of many local notables about the security of their position. In these disputes local notables attempt to secure their position by "owning" or controlling access to particular seats in church, usually at the front; most take place in market towns and pastoral villages, with large local elites.[19] Such disputes emerge in the late 1610s, when social mobility began to be more restricted, the land market quieter, and anxiety about social position correspondingly greater.

Conflicts over church seats reflect the stresses present in a finely graded social system at a time of rapid social change. They were inevitable when the class order was made visible and concrete each week. That class order increasingly reflected the emerging capitalist order. The conflicts over church seats affirm the class order; while the details were called into question, the order itself was not.

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Not all challenges to, or conflicts over, the ideal gender and class orders required, or even permitted, a response or any kind of enforcement. But most disruptive actions brought informal responses from neighbors or formal ones from the authorities. Most English villages were relatively small, and their shaming rituals were highly effective. It might not be possible to stop women from bearing bastards or to force men into controlling their wives, but it was possible to ensure that those who offended were not seen as normal. The formal responses to breaches of gender or class order provided by the courts were also available.

Most prosecutions in the ecclesiastical courts were the result of presentments made by villagers in response to a set of questions from the Archdeacons. But, as we have seen, over the course of the seventeenth century the presentments changed. Why did offenses against the social order--gender, class, or moral--play an increasingly limited role in presentments to the church courts in the later seventeenth century? Why did the petitions to Quarter Sessions also disappear? And how can the answers to these questions help explain the privatization of the family?

The fear of disorder so prevalent in late sixteenth and early seventeenth century was based partly on very real problems faced by English society during that period: the doubling of the population and rapid inflation led to a polarization of landholding in many villages, and an increasing population of vagrants, beggars and the poor which frightened the governors of England. The threats to social order were real: the West country in 1629-30 was the site of a series of disafforestation riots, the midlands in 1607 the scene of enclosure riots, and the fens in the 1630s of riots opposing fen drainage. Vagrants and the poor threatened order because they were outside the systems of deference which sought to ensure social order. In this situation, the attempt to enforce order may have seemed a losing battle, but the governors of England never gave up.[20] In their struggle, they were aided by ~~the~~ a commonplace of political and social thought: the analogy between the family and the state. For, as we have seen, the gender order was never explicitly challenged or rejected. It was then, relatively simple to affirm the social order symbolically by affirming the proper relations of gender and family: one never faced outright contradiction, as one might do in affirming the class order.

This situation was transformed after the Restoration. Not only did population remain stable for about fifty years, but real wages began to rise. And the poor, while still present, seemed less threatening; indeed, the population of many

villages fell, as London grew but overall population remained stable. Furthermore, the shock of the Civil War and Interregnum appears to have made the gentry particularly watchful over events in their localities: it is possible that local conflicts were diffused earlier, and not allowed to reach the courts. In any case, for a variety of reasons, overt class conflict appears to have diminished--certainly in so far as it appears in court records. In such a situation, strict enforcement of gender and familial relations became less necessary: their symbolic role in affirming social and political order was no longer crucial.

It is in this context that Locke wrote his Treatises on Government, in which he explicitly rejected the equation of kingly and paternal power, arguing that the power that fathers had over their children was not political. The relation of this argument to the exigencies of the political situation are obvious: politics had to be separated from familial relations to justify the exclusion of James II from the throne in 1678-81 or his overthrow in 1688. But it is not accidental that Locke could define the family as a private institution when in practice the family had been removed from the central role it had occupied in formal social control earlier in the century.

The consideration of the family as a public, social institution entailed the observation and control by neighbors of all aspects of people's lives. It meant both attempts to confine women to their subordinate roles through the use of shaming rituals, but also the involvement of the village--neighbors and family--in cases of domestic violence. These attempts at control came in the context of social change--changes which could not be halted but could be symbolically resisted by affirming traditional relations within the family. The current attempts of the New Right to reimpose traditional gender and familial relations through the Family Protection Act, restrictions on or banning of abortion, and the denial of birth control information to teenagers also are a response to changes in society which cannot be halted but which may be symbolically

resisted. The difference between the seventeenth century and the present is that in the seventeenth century this attempt was supported by one of the commonplaces of political and social thought. Today that is not the case: although attempts are made to argue for the key role of the family in producing an orderly society, it is not--and cannot be without rejecting the philosophical foundations of the United States--possible to argue that the family is the bedrock political institution, with the father having the same kind of sovereignty as has the state. This exposes the fundamental theoretical weakness of the New Right's arguments about the family: it is difficult for the family to be simultaneously a private institution, a "haven in a heartless world" and a cornerstone of social order which must function in a particular way. If the contradictions of the position should encourage us, history should encourage us in another way: the official focus on the proper ordering of gender relations was a historical phenomenon, not a timeless or permanent one.

Footnotes

1. See Natalie Z. Davis, "Women on Top," in Society and Culture in Early Modern France, (Stanford, California: 1975), pp. 124-51, and D.E. Underdown, "The Taming of the Scold" in Order and Disorder in Early Modern England ed John Stevenson & Anthony Fletcher (forthcoming).

2. The best discussion of this is Sir Robert Filmer, Patriarcha, in Thomas Cook, ed., Locke's Two Treatises on Government, (New York: 1947), esp. p. 253.

3. For a full discussion of the uses of the analogy during the Civil War, see Mary Shanley, "Marriage Contract and Social Contract in Seventeenth Century England," in Western Political Quarterly 32:1, (1979), pp. 79-91. The connection between state and family provided the context for the Puritan debate on divorce, for if divorce were possible, so too was the dissolution of established government.

4. Shanley, "Marriage Contract and Social Contract".

5. William Gouge, Of Domesticall Duties (3rd Edition, London: 1634) S.T.C. 12121, p.17.

6. Dorothy Leigh, The Mother's Blessing, (London: 1616), S.T.C. 15402, p.55.

7. See the different discussions of a husband's right to correct his wife in William Whately, A Bride-bush; or A Direction for Married Persons, (London: 1623) S.T.C. 25298, pp.106-7 and Gouge, Domesticall Duties pp.394-7.

8. Gouge, Domesticall Duties, pp.2, 4.

9. Gouge, Domesticall Duties, pp. 260, 270-71, 188-90, 366-709, 255-56, 343.

10. This pattern is clear in Keith Wrightson and David Levine, Poverty and Piety in an English Village: Terling, 1525-1700 (New York and London: 1979) and in David Underdown, Revel, Riot, and Rebellion: Popular Culture and Popular Politics, 1560-1660 Oxford (forthcoming).

11. G. Wrightson and Levine, Poverty and Piety: their discussion of social conflict effectively ceases after 1660. Norfolk evidence is based on the Deposition Books of the Consistory Court of Norwich (class DEP) and the Quarter Sessions rolls for the county (class C/S3) found in the Norfolk Record Office.

12. See, e.g., DEP/39, Suffield mul. con Rayner, ff. 333-33v, 336-36v.

13. This assertion is based on a survey of the Deposition Books of the Consistory Court of Norwich (N.R.O. series DEP) between 1560 and 1725; the few exceptions are almost all when a woman was called a scold. Amussen, "Governors and Governed", pp. 252-67; J.A. Sharpe, Defamation and Sexual Slander in Early Modern England: The Church Courts at York, Borthwick Papers, 58, (1980), esp. pp. 15, 27-28: Dr. Sharpe's findings about both the subjects of defamation and the differences between women and men are the same as mine.

14. See, e.g., London con London, DEP/40, ff. 272-73v, 295, 300-3, and DEP/41 138v-39, 147v-48, 281; also DEP/54, 1706, Mary Bridgewell con Samuel Bridgewell, testimony of Elizabeth Gay.

15. For the economic role of women, see Alice Clark, Working Life of Women in the Seventeenth Century, (London: 1919): her analysis, though somewhat exaggerated, reflects changes that can be detected in women's work in the period; see also Susan D. Amussen, "Inheritance, Women, and the Family Economy: Norfolk, 1590-1750," unpublished paper.

16. See S.D. Amussen, "Constructing Gender in Early Modern England: Observation, Gossip and Reputation," forthcoming in Annales E.S.C.

17. C/S3/26, Articles against Matthew Loose; C/S3/28A, Articles against Robert Johnson.

18. C/S3/26, Articles against Richard Sheepheard, late of West Winch, now of Castle Acre; Sheepheard was not alone: Barnard Shipabarrow, probably of Outwell Norfolk, refused to work except for extortionate wages, followed no regular trade, and "there is not any evil vice usually amongst men that he hath not part thereof." (C/S3/15, 1606).

19. Statements about elites are based on the analysis of wills left by yeomen in the NCC: I am grateful to Nesta Evans of the University of East Anglia for sharing her research with me. See, e.g., DEP/41, William Grudgefield Gent. con Francis Sancroft Sr. & Francis Sancroft Jr., Gents, ff. 524-65; Fressingfield Workers Education Association, Looking Back at Fressingfield (Fressingfield: 1979), pp. 29, 33, 35-6; the Sancrofts had only recently attained the status of gentlemen: Francis Sancroft Jr.'s father described himself as a yeoman, though his son was to be Archbishop of Canterbury.

20. For the West country riots Buchanan Sharp, In Contempt of All Authority (Berkeley and Los Angeles: 1980); for the Fens, Keith Lindley Fenland Riots and the English Evolution (London: 1981): for vagrancy see Paul A. Slack, "Vagrants and Vagrancy in England, 1598-1664" in Economic History Review, 2nd series 27 (1974), pp.360-79.